

# HOUSE BILL 364

K3, L6

2lr1943

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By: **Delegates Tarrant, Hubbard, A. Kelly, Murphy, Oaks, Ready, Reznik, and V. Turner**

Introduced and read first time: January 30, 2012

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Employment – Internet and Electronic Account Privacy Protection**

3 FOR the purpose of prohibiting certain employers from requiring an employee or  
4 applicant for employment to disclose any user name, password, or other means  
5 for accessing any Internet site or electronic account through certain electronic  
6 devices; prohibiting certain employers from requiring an employee to install  
7 certain monitoring or tracking software on certain electronic devices;  
8 authorizing an employer to require an employee to disclose certain information;  
9 prohibiting an employer from taking, or threatening to take, certain disciplinary  
10 actions because of an employee's refusal to disclose certain password and  
11 related information or to install certain software on certain electronic devices;  
12 prohibiting an employer from failing or refusing to hire an applicant as a result  
13 of the applicant's refusal to disclose certain password and related information or  
14 to install certain software on certain electronic devices; defining certain terms;  
15 and generally relating to employment and Internet and electronic account  
16 privacy protection.

17 BY adding to

18 Article – Labor and Employment

19 Section 3–712

20 Annotated Code of Maryland

21 (2008 Replacement Volume and 2011 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article – Labor and Employment**

25 **3–712.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
2 **MEANINGS INDICATED.**

3                   **(2) (I) “ELECTRONIC DEVICE” MEANS ANY DEVICE THAT USES**  
4 **ELECTRONIC SIGNALS TO CREATE, TRANSMIT, AND RECEIVE INFORMATION.**

5                   **(II) “ELECTRONIC DEVICE” INCLUDES A COMPUTER,**  
6 **TELEPHONE, PERSONAL DIGITAL ASSISTANT, AND ANY OTHER SIMILAR DEVICE.**

7                   **(3) (I) “EMPLOYER” MEANS:**

8                               **1. A PERSON ENGAGED IN A BUSINESS, INDUSTRY,**  
9 **PROFESSION, TRADE, OR OTHER ENTERPRISE IN THE STATE; OR**

10                              **2. A UNIT OF STATE OR LOCAL GOVERNMENT.**

11                   **(II) “EMPLOYER” INCLUDES AN AGENT, REPRESENTATIVE,**  
12 **OR DESIGNEE OF A PERSON OR UNIT OF GOVERNMENT SPECIFIED IN**  
13 **SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

14           **(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN**  
15 **EMPLOYER MAY NOT:**

16                   **(I) REQUIRE AN EMPLOYEE OR APPLICANT FOR**  
17 **EMPLOYMENT TO DISCLOSE ANY USER NAME, PASSWORD, OR OTHER MEANS FOR**  
18 **ACCESSING ANY INTERNET SITE OR ELECTRONIC ACCOUNT THROUGH AN**  
19 **ELECTRONIC DEVICE; OR**

20                   **(II) REQUIRE AN EMPLOYEE TO INSTALL ON THE**  
21 **EMPLOYEE’S PERSONAL ELECTRONIC DEVICE SOFTWARE THAT MONITORS OR**  
22 **TRACKS THE CONTENT OF THE ELECTRONIC DEVICE.**

23                   **(2) AN EMPLOYER MAY REQUIRE AN EMPLOYEE TO DISCLOSE ANY**  
24 **USER NAME, PASSWORD, OR OTHER MEANS THAT PROVIDES ACCESS TO THE**  
25 **EMPLOYER’S INTERNAL COMPUTER OR INFORMATION SYSTEMS.**

26           **(C) AN EMPLOYER MAY NOT:**

27                   **(1) DISCHARGE, DISCIPLINE, OR OTHERWISE PENALIZE OR**  
28 **THREATEN TO DISCHARGE, DISCIPLINE, OR OTHERWISE PENALIZE AN**  
29 **EMPLOYEE BECAUSE OF THE EMPLOYEE’S REFUSAL TO DISCLOSE ANY**

1 INFORMATION OR INSTALL ANY SOFTWARE SPECIFIED IN SUBSECTION (B)(1) OF  
2 THIS SECTION; OR

3 (2) FAIL OR REFUSE TO HIRE ANY APPLICANT FOR EMPLOYMENT  
4 AS A RESULT OF THE APPLICANT'S REFUSAL TO DISCLOSE ANY INFORMATION  
5 OR INSTALL ANY SOFTWARE SPECIFIED IN SUBSECTION (B)(1) OF THIS SECTION.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2012.